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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,772	03/18/2004	Kyeong Jin Kim	054358-5025	4675

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EXAMINER	
DUONG, TAI V	
ART UNIT	**PAPER NUMBER**
2871	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,772	KIM ET AL.	
	Examiner	Art Unit	
	Tai Duong	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01/06/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03/08/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Upon reconsideration, the election of species requirement of the last Office action is withdrawn.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-44 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 12-21 and 27-32 of copending Application No. 10/834,848. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-6, 12-21 and 27-32 of the copending Application'848 disclose all of the recited features of the instant claims. The instant claims are broader in scope than the patent clams and are anticipated by the claims of the copending Application'848. Also, it would have been obvious to a person of ordinary skill in the art to omit the partial reflector from the claims of the copending Application'848 for reducing the fabrication cost and thickness of the

dual LCD device. In addition, it has been held that omission of an element and its function is obvious if the function of the element is not desired. *Ex parte Wu* , 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989); and *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975)

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does *not* disclose the features "wherein the liquid crystal panel functions in a TN mode, such that the first front light unit is in an ON state and an image displayed on the rear side of the liquid crystal panel is in a *black mode*, and such that the first front light unit is in an OFF state and an image displayed on the rear side of the liquid crystal panel is in a *white mode*" (as recited in claims 5 and 27), and "wherein the liquid crystal panel functions in a TN mode, such that the second front light unit is in an ON state and an image displayed on the front side of the liquid crystal panel is in a *black mode*, and the second front light unit is in an OFF state and an image displayed on the front side of the liquid crystal panel is in a *white mode*" (as recited in claims 6 and 28).

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the recited feature "wherein the liquid crystal panel functions in a TN mode, such that the first front light

unit is in an ON state and an image displayed on the rear side of the liquid crystal panel is in a *black mode*, and such that the first front light unit is in an OFF state and an image displayed on the rear side of the liquid crystal panel is in a *white mode*" of claims 5 and 27, and the recited feature "wherein the liquid crystal panel functions in a TN mode, such that the second front light unit is in an ON state and an image displayed on the front side of the liquid crystal panel is in a *black mode*, and the second front light unit is in an OFF state and an image displayed on the front side of the liquid crystal panel is in a *white mode*" of claims 6 and 28 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al (US 6,574,487).

Note Fig. 5 which identically disclose the claimed dual LCD device comprising first and second polarizing plates 58 attached to opposing surfaces of the liquid crystal panel, a first front light unit (68,72) attached to a front side of the liquid crystal panel, and a second front light unit (70,74) attached to a rear side of the liquid crystal panel, the liquid crystal panel being formed in a TN normally white mode (col. 3, lines 12-26), wherein the first front light unit is operated to cause a first image to be displayed on the rear side of the liquid crystal panel, and the second front light unit is operated to cause a second image to be displayed on the front side of the liquid crystal panel (col. 2, line 58 – col. 4, line 58).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 7-16 and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al in view of Kaneko (US 2002/0176036).

The only differences between the dual LCD device of Smith and that of the instant claims are a fine reflecting and scattering film is prepared between the first or second polarizing plate and the first or second front light unit and prevents Moiré phenomenon from occurring when an image is displayed on the rear or front side of the liquid crystal panel due to a light emitted from the first or second front light unit. Kaneko discloses in Fig. 3 that it was known to employ a reflecting and scattering film (reflection polarizer 10 and scattering layer 19) between a polarizing plate 12 and a light unit (7, 8, 14) for obtaining a brighter display while preventing Moiré (paragraphs 0097-0099). Thus, it would have been obvious to a person of ordinary skill in the art in view of Kaneko to employ in the dual LCD device of Smith a reflecting and scattering film between the polarizing plate and the light unit for obtaining a brighter display while preventing Moiré.

Claims 17-22 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al in view of Kaneko (US 2002/0176036).

The only differences between the dual LCD device of Smith and that of the instant claims are a scattering film is prepared between the first or second polarizing plate and the first or second front light unit and prevents Moiré phenomenon from occurring when an image is displayed on the rear or front side of the liquid crystal panel

due to a light emitted from the first or second front light unit. Kaneko discloses in Fig. 1 that it was known to employ a scattering film 9 between a polarizing plate 12 and a light unit (7, 8, 14) for scattering incident light while preventing Moiré (Abstract, paragraph 0099). Thus, it would have been obvious to a person of ordinary skill in the art in view of Kaneko to employ in the dual LCD device of Smith a scattering film between the polarizing plate and the light unit for scattering incident light while preventing Moiré.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu discloses a reversible LCD having two light source units.

Any inquiry concerning this communication should be directed to Tai Duong at telephone number (571) 272-2291.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

TOANTON
PRIMARY EXAMINER

TVD

03/06